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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,637	07/08/2002	Wolfgang Krumm	298-149	8673

28249 7590 03/31/2005

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EXAMINER

PATEL, VINIT H

ART UNIT	PAPER NUMBER
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1764

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/019,637	KRUMM ET AL.	
	Examiner	Art Unit	
	Vinit H. Patel	1764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) 14 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-13 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>28 Dec 2001</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group II, claims 11-13 and 16-20, in the reply filed on January 14, 2005 is acknowledged. Claims 14 and 15, previously included in Group II, are dependent claims (of claim 10) that are a part of the invention in Group I, the non-elected claims. Therefore, Group I, claims 1-10, 14 and 15 are withdrawn from further consideration. The traversal is on the ground(s) that application contains the following inventions or groups of inventions which are so linked as to form a single general inventive concept under PCT Rule 13.1. Specifically, that independent claims 1 and 11, recite the features of the method and apparatus, respectively, for pyrolysis and gasification of organic substances comprise a pyrolysis reactor, fluidized bed, reaction zone for the pyrolysis gases and heat exchanger for receiving waste gases.

This is not found persuasive because there is lack of unity a posteriori. Applicant argues that recited in the independent claims 1 and 11, are the pyrolysis reactor, fluidized bed, reaction zone for the pyrolysis gases and heat exchanger for receiving waste gases, which are features of the inventive concept. However the features asserted by the applicant, in his traversal, (be it a single feature or a group of features) are not a "special technical feature" that defines a contribution over the prior art. See MPEP 1850 & 1893.03(d).

The requirement is still deemed proper and is therefore made FINAL.

Specification

2. The abstract of the disclosure is objected to because it is longer than 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 11-13 and 16-20 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Muhlen et al., WO 99/31197.

Regarding claims 11-13 and 16, Muhlen et al. discloses an apparatus for the pyrolysis and gasification of organic substances or mixtures comprising a pyrolysis reactor, a fluidized bed firing, a reaction zone and fluidized bed material circulation and the pyrolysis reactor (Fig. 4) is characterized in that a shaft reactor 403 having a sluice 402 for application material 401, and an inlet 410 for the fluidized bed material 414 from the bed 405 disposed next to the bed (Fig. 4); the shaft reactor 403 has a transport apparatus 404 at its lower end; the bed 405 has an overflow 409 for transferring the fluidized bed material 414 into the shaft reactor 403; and the waste gases of the bed 405 can be supplied to heat transfer member 417 which is connected to the shaft reactor 403. •

Regarding claims 17 and 18, Muhlen et al. discloses refractory substances, such as sand, gravel or split can be added to the bed (Pg 11, Line 26).

Regarding claims 19 and 20, Muhlen et al. discloses that the pyrolysis coke 426 (not burnt) is mixed with the fluidized bed material 414 (See Fig. 4).

Conclusion

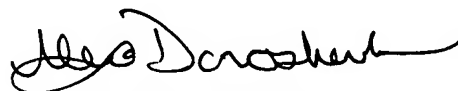
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinit H. Patel whose telephone number is (571)-272-0856. The examiner can normally be reached on 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vinit H. Patel
March 24, 2005



Alexa Doroshenko
Patent Examiner
Art Unit 1764